



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/781,840  
Filed: 02/20/2004  
Applicant: Belenkii et al  
For: Visible/Near Infrared Sensor

*Marked: 3/2/2009*

Request for Reconsideration  
Petition for Revival under 37 CFR 1.137(b)

*MAIL STOP PETITIONS*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

A Petition for Revival under 37 CFR 1.137(b) in the above application was filed on January 21, 2009. The petition was dismissed with notice mailed on February 24, 2009 (copy attached) because Applicants' attorney did not submit the required fee of \$810.00 but instead submitted only \$770.00. Applicant has enclosed herewith a check for the missing \$40.00. Please charge any additional fees to Deposit Account No. 200678.

Applicants request reconsideration of the dismissal decision and request that the Petition for Revival be granted.

Respectfully submitted

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03/05/2009 EEKUBAY1 00000003 10781840

01 FC:2453

810.00 0P

Adjustment date: 03/05/2009 EEKUBAY1  
01/21/2009 WABDELRI 00000049 10781840  
01 FC:1999 -770.00 0P



UNITED STATES PATENT AND TRADEMARK OFFICE

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SAN DIEGO CA 92121**

**MAILED**

**FEB 24 2009**

**OFFICE OF PETITIONS**

In re Application of  
Mikhail Blenkii et al  
Application No. 10/781,840  
Filed: February 20, 2004  
Attorney Docket No. 518

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed April 25, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

Petitioner submitted a total of \$770.00 for the petition fee under 37 CFR 1.137(b), instead of the required fee of \$810.00 (small entity status).


Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions